

Maine Revised Statutes
Title 33: PROPERTY
Chapter 28-A: SOLAR RIGHTS

§1423. USE AND INSTALLATION OF SOLAR ENERGY DEVICES

1. Application. This section applies to a legal instrument adopted or created after September 30, 2009 that defines or limits the rights or privileges of owners or renters with respect to the use of residential property.

[2009, c. 273, §2 (NEW) .]

2. Right to install and use solar energy devices. Except as provided in subsections 3 and 4, a legal instrument subject to this section may not prohibit a person from installing or using:

A. A solar energy device on residential property owned by that person; or [2009, c. 273, §2 (NEW) .]

B. A solar clothes-drying device on residential property leased or rented by that person. [2009, c. 273, §2 (NEW) .]

[2009, c. 273, §2 (NEW) .]

3. Exception. A legal instrument subject to this section may prohibit the installation and use of solar energy devices on residential property in common ownership with 3rd parties or common elements of a condominium.

[2009, c. 273, §2 (NEW) .]

4. Reasonable restrictions. A legal instrument subject to this section may include reasonable restrictions on the installation and use of a solar energy device. For the purposes of this section, a reasonable restriction is any restriction that is necessary to protect:

A. Public health and safety, including but not limited to ensuring safe access to and rapid evacuation of buildings; [2009, c. 273, §2 (NEW) .]

B. Buildings from damage; [2009, c. 273, §2 (NEW) .]

C. Historic or aesthetic values, when an alternative of reasonably comparable cost and convenience is available; or [2009, c. 273, §2 (NEW) .]

D. Shorelands under shoreland zoning provisions pursuant to Title 38, chapter 3, subchapter 1, article 2-B. [2009, c. 273, §2 (NEW) .]

[2009, c. 273, §2 (NEW) .]

SECTION HISTORY

2009, c. 273, §2 (NEW) .

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